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FILED
BOARD OF PHYSICAL THERAPY

OCT 27 2009

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHYSICAL THERAPY EXAMINERS

IN THE MATTER OF :

Administrative Action

PAUL CLAUSS, P.T. :

MODIFIED CONSENT ORDER

License NO:40QA00086800 :

LICENSED TO PRACTICE :

PHYSICAL THERAPY IN :

THE STATE OF NEW JERSEY :

This matter came before the New Jersey State Board of Physical Therapy Examiners (hereinafter referred to as the "Board") upon the Board's random audit of licensed physical therapists and physical therapist assistants pursuant to N.J.A.C. 13:39A-9.4(d) who submitted license renewal applications to engage in the practice of physical therapy for the 2008-2010

biennial renewal period.

The renewal applications submitted by licensed physical therapists and physical therapists assistants included an acknowledgment regarding whether or not the licensees had completed thirty (30) continuing education credits during the period from February 1, 2006 through January 31, 2008 as required for the 2008-2010 biennial license renewal period pursuant to N.J.S.A. 45:9-37.18(a)10 and N.J.A.C. 13:39A-9.1 et. seq.

In response to the Board's audit, Paul Clauss, P.T. (hereinafter referred to as the "Respondent") submitted documentation indicating completion of a course sponsored by Cross Country Education entitled "Coding and Billing for Therapy and Rehab," taken on February 1, 2008 for six (6) continuing education credits, and a course sponsored by Cross Country Education entitled "Rehab and Therapy: How, When, and Where to Market," taken on February 14, 2008 for six (6) continuing education credits.

Upon a review of all the submissions, the Board found that the course entitled "Rehab and Therapy: How, When, and Where to Market" was denied by the Board. In addition, the course entitled "Coding and Billing for Therapy and Research" was taken after the biennial renewal period in question. The thirty (30) continuing education credits for the licensure renewal for the 2008-2010 renewal period were to be obtained in the two years preceding

January 31, 2008. To qualify the continuing education courses had to be taken from February 1, 2006 - January 31, 2008.

Based upon all the available information reviewed, the Board has found that the respondent has completed eighteen (18) of the required continuing education credits taken during the period from February 1, 2006 - January 31, 2008. The Board will accept the six (6) credits completed by the respondent after the biennial period in question. The respondent has therefore completed a total of twenty four (24) continuing education credits.

The Respondent's conduct in failing to obtain thirty (30) continuing education credits in the period from February 1, 2006 through January 31, 2008 establishes a basis for disciplinary action as the Respondent did not meet the requirements for renewal of his license to practice physical therapy as he failed to obtain the requisite thirty (30) continuing education credits within the two years preceding the renewal period as required by N.J.S.A. 45:9-37.34(d) and N.J.A.C. 13:39A-9.1 et. seq.

It appearing that the respondent desires to resolve this matter without further proceedings and waiving any right to a hearing, and the respondent acknowledging and not contesting the findings of fact and conclusion of law made by the Board; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare; and for good

cause shown:

ACCORDINGLY, IT IS ON THIS 27th DAY OF, ~~October 2008~~ 2009

ORDERED that:

1. The Respondent's license to practice physical therapy, renewed on February 1, 2008 and in active status, will remain active on the condition that the Respondent submits documentation that he has satisfactorily completed an additional six (6) continuing education credits as required by N.J.S.A. 45:9-37.34(d) and N.J.A.C. 13:39A-9.1 et. seq. within thirty (30) days of the filing date of this order. Respondent may submit satisfactory proof of completion of continuing education courses relating to physical therapy which were not pre-approved by the Board for credit if the continuing education courses met the requirements of N.J.A.C. 13:39A-9.3(a) and the provider meets the requirements of N.J.A.C. 13:39A-9.6. Failure to comply with this condition within the stated time period will result in the automatic and immediate suspension of the Respondent's license to practice physical therapy in New Jersey without further order until such time as respondent submits satisfactory proof of completion of all required credits.

2. The six (6) continuing education credits taken as

part of this action and the six (6) credits accepted by the Board that were taken after the biennial period in question shall not qualify to fulfill the mandatory continuing education requirements for the 2010-2012 renewal period pursuant to N.J.A.C. 13:39A-9.2(d).

3. Respondent is cautioned in the future to obtain the requisite continuing education courses within the preceding renewal period as required by N.J.S.A. 45:9-37.34(d) and N.J.A.C. 13:39A-9.1 et. seq.

4. Respondent is hereby assessed a civil penalty in the amount of **\$500.00** for his failure to obtain the thirty (30) continuing education credits within the preceding biennial licensure renewal period.

5. Payment shall be made by certified check or money order by installment payments over 18 months upon accepting and signing of this Consent Order and sent to the attention of Lisa Affinito, Board of Physical Therapy Examiners, P.O. Box 42014, Newark, New Jersey 07101. The first payment is due on the 15th day of the month following the entry of the filing date of this order.

6. Failure on the part of the respondent to pay the civil penalty timely or to comply with any of the terms of this Consent Order constitutes a violation of the Order, proof of which would constitute grounds for further disciplinary action by the Board.

NEW JERSEY STATE BOARD
OF PHYSICAL THERAPY EXAMINERS

By: Karen E Wilk PT, DPT 40QA00560100
Karen Wilk, P.T., D.P.T.
Chair

I have read and understand the within
Consent Order and agree to be bound
by its terms. Consent is hereby given
to the Board to enter this Order.

Paul Clauss, P.T.
Paul Clauss, P.T.

DATED: